

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:06CV107-K

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CONSENT ORDER FOR STAY
)	
\$120,100 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	

This matter is before the Court on a request by the government and Duane Edward Schneider ("Schneider") and Pharmarcare Health Services, Inc. ("Pharmacare") (or collectively, "claimants"), through counsel, that this civil forfeiture case be stayed pursuant to 18 U.S.C. §981(g), pending resolution of a related criminal investigation. The parties have agreed and represent to the Court, and the Court finds:

1. In response to a notice of administrative forfeiture, Schneider, through counsel, submitted a claim dated December 12, 2005, to the Federal Bureau of Investigation. The administrative claim asserts an interest in the defendant \$120,100 in currency, which was seized by the FBI on or about September 15, 2005. In addition, both claimants are represented by Attorney Marc Nurik and have orally asserted claims to the defendant property.
2. Following referral of this matter to the U. S. Attorney's Office, the government filed the complaint herein on March 10, 2006.
3. On April 19, 2006, Magistrate Judge Keesler issued the order and warrant for arrest in rem.
4. On or about March 10, 2006, within the 120 days permitted by Fed. R. Civ. P. 4(m), the government served a copy of the complaint on claimants.
5. The government has advised claimants' counsel that a related criminal investigation is pending. The government and claimants agree that a stay of this case at this point will

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help to avoid both interference with the government's investigation and possible prejudice to Schneider's Fifth Amendment rights.

6. The government and claimants have agreed that a stay should be without prejudice to claimants' rights to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Supplemental Rules and/or the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted. Counsel for claimants has filed or will file a notice of appearance herein, and both the government and claimants shall have the right to file a motion to lift the stay at any time, and the non-moving party shall have the right to oppose such a motion.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.

Signed this the 19th day of April, 2006.



DAVID KEESLER
UNITED STATES MAGISTRATE JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

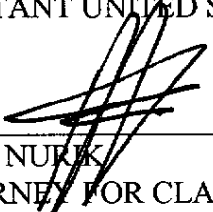
UNITED STATES OF AMERICA



WILLIAM A. BRAFFORD
ASSISTANT UNITED STATES ATTORNEY

April 12, 2006

DATE



MARC NUREK
ATTORNEY FOR CLAIMANTS

4/11/06

DATE